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ABSTRACT

This report provides board policy samples and other policy resources on student discipline. The intent in providing policy samples is to encourage thinking in policy terms and to provide working papers that can be edited, modified, or adapted to meet local requirements. Topics covered in the samples include corporal punishment, student safety, detention, suspension and expulsion, student hearings, student demonstrations and strikes, and staff protection. (Author)

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NSBA
NATIONAL SCHOOL BOARDS ASSOCIATION

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SCHOOL BOARD POLICIES ON STUDENT DISCIPLINE

Cat. no. 71-32 *August, 1971*

This is the fourth in the 1971 series of six kit-booklets issued to help school boards develop written policies in key subject areas. All policy samples and other policy resources reproduced herein have been selected from the files of the Policy Information Clearinghouse of the National School Boards Association's Educational Policies Service (EPS/NSBA) and coded to the EPS/NSBA policy codification system.

The intent in providing policy samples is to encourage thinking in policy terms; to provide "something to start with"--working papers to be edited, modified, or adapted to meet local requirements. Administrators of EPS/NSBA member organizations should file this booklet for continuing reference in their master copy of the Educational Policies Reference Manual.

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EPS File:
JD--Student Discipline

Introduction

Most of us who are in "the school board business" can recall those days of yore when the teacher's word was law. We were sent to school with the admonition to "mind the teacher." If we didn't mind, it was the paddle. Whack! That was that.

Today, it is different. Today that whack on the rump, in some localities, could start a chain reaction of events that would bring the teacher, the principal, the superintendent of schools, the school board, and anyone else handy right into court.

But the possibility of litigation is only one factor that must come into play when today's school board reviews its policies on discipline. Four other factors also demand consideration: (1) the phenomenon known as the "decline of authority"; (2) public attitudes; (3) state laws and court rulings; and (4) the newish trend of discipline as an area of teacher bargaining. Let's review these factors.

1. The Decline of Authority

To the conservative, the decline of authority represents a grave threat to the very fabric of an ordered society.

To the libertarian, the phenomenon signals the dawning of a new age--power to the people at last.

More realistic, perhaps, are the views entertained by thoughtful middle road school board members and school administrators. Many of them would probably concede serious abuses in the exercise of authority by people in positions of power. They would concede that a range of social ills--from the deterioration of cities to the pollution of the environment--could be traced in large part to the failure of the traditional power structure to function in the people's interest. Many would even add their voices to those of society's sharpest critics. Yet at the same time, they would stand fast against the forces of anarchy and violence. School

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officials see the need for order, for mechanisms to effect change in an orderly manner, and for the maintenance of a reasonable and wise exercise of authority.

This kind of attitude, we suggest, might well form the philosophical basis for the school board's consideration of student discipline policies. The central purposes of American education are, after all, to teach children to think for themselves; to encourage them to explore ideas and to raise questions; to help them grow into mature and independent men and women; to show them how to become responsible and contributing members of our democracy.

Such purposes obviously nullify the simplistic view of discipline as a form of mindless restriction based on the outmoded notion that children are to be seen and not heard and that they are to be kept down, kept quiet, kept still, and kept away from ever challenging any figure of authority. As U.S. Commissioner of Education Sidney Marland Jr. once observed, "Stiffbacked, tight-lipped, eye-blinkered conformity may look like discipline--but it is a cheap substitute."

2. Public Attitudes

What's the most serious problem facing the schools today?

Ask a school board member, and he might say "finding enough money to run a good program," or "negotiations," or "improving the curriculum."

Ask the public, and the public will say "discipline."

Recent Gallup and Harris polls have revealed deep public anxiety on this matter. Undoubtedly, such anxieties are fed by reports

ON THE MEANING OF 'DISCIPLINE'

"Good education cannot be carried on without discipline. Children expect and need discipline. They are happier and more efficient as learners if they know, understand, and adhere to the ground-rules. They are healthier mentally if there are clear-cut and consistent metes and bounds within which they may live and beyond which they are forbidden. But no amount of outside force, coercion, or punishment can produce self-discipline. We may be able to curb or constrain misbehavior, but this is but a handful of sand. Loosen the fingers, and the sand disappears. The education of children within the framework of self-imposed discipline is a far more difficult task than the processes of force. But modern schools, acting upon the fundamental implications of freedom, are committed to the more difficult course."--U.S. Commissioner of Education Sidney P. Marland Jr., written in 1961 when he was a school superintendent in Illinois.

of disorders, disruptions, and demonstrations in schools; of incidences of vandalism; of physical attacks on teachers and students. It goes without saying that illegal and violent behavior must be dealt with firmly and justly, that order must be preserved, and that all members of the school staff and student body must be protected from assault from any quarter.

Yet policies that establish standards and procedures for the maintenance of order are not sufficient unto themselves. In addition, policies are also needed to delineate the rights and responsibilities of students, to clarify due process procedures, and to provide channels for the satisfaction of student grievances. (Note: The EPS/NSBA kit on Policies on Student Rights and Responsibilities, which is listed on the back-page reading list, goes into these matters in more detail.)

Another thought: It's one thing for the school board to develop a responsible set of policies in response to a manifest need to preserve order in the schools. It's quite another matter to jump blindly into a get-tough crash program simply because one hears a call from the public for tougher discipline. The objects of disciplinary action are the public's children, and the experienced school board member is well aware that parents employ a quaint kind of semantics when they talk about their child and your's.

° "My child has been up to a little mischief; your child is a delinquent."

° "My child made a mistake; your child committed a crime."

° "My child should get another chance; your child should be punished right now."

Chances are, many of those who say "get tough" don't really mean it--at least, they don't want school authorities to get tough with their youngsters. What they probably want are schools in which all children will be expected to behave and schools in which all children will be safe. It would be a sad commentary on school leadership if repressive measures were the only way to make such conditions prevail.

3. State Laws and Court Rulings

A few states expressly permit corporal punishment; one state definitely bans it (New Jersey); most states are silent on the topic. Some states have statutes which expressly require teachers to maintain order and discipline; most are silent. A few states definitely place the teacher in the position of the parent in the exercise of authority; most states are silent when it comes to the in loco parentis concept.

In addition, both state laws and local policy are constantly being

challenged in the courts, and benchmark decisions have wrought changes in several areas that bear on the disciplining and control of students--most notably in the areas of civil rights of minors and procedures governing the suspension and expulsion of students.

Obviously, state laws, where they exist, and court rulings, whenever applicable, serve as not-to-be-ignored guidelines for the development of school district discipline policies. And every school board would be well advised to check any new policy or policy revision with its attorney before taking final action.

4. Negotiable Item?

While some school boards may dispute the NEA's contention that discipline is "one of many areas of joint concern" subject to negotiations, the fact is, student discipline clauses are getting locked into master agreements. These are just a few of the provisions such contracts contain:

- --Board disciplinary policy or public law tied into agreement by contract language
- --Lists of punishable offenses and suitable punishments
- --Procedures for identifying and handling disciplinary problems
- --Special considerations given to teachers with one or more children who have emotional or behavior problems
- --And provisions for special help for problem children.

We would remind school boards that while the involvement of staff and even students in the development of discipline policies is desirable, it is the school board itself that is held accountable in most states, by state law, for the way children are disciplined. (For more information about discipline and the master agreement, see the May, 1969, NEA Research Bulletin listed on the back page.)

. . . . .

We have seen, in preparing this kit, rules and regulations which prohibit youngsters from talking while having lunch, which prevent students from reading books or magazines while in the detention room, and which even threaten to remove the pencil sharpener from the study hall if students "overuse" it. In our view, these "don't-do-this" and "don't-do-that" edicts create more problems than they solve, and such statements were not selected for inclusion in this kit. Instead, you have here a group of board policies and administrative rules which, while varied in content, are constructive in their approach to the problem of student discipline and harmonious with the school's first mission: to educate children.

--William E. Dickinson
Director, EPS/NSBA

STUDENT DISCIPLINE

Good discipline in the school is extremely important to the school program. Without good discipline the school cannot discharge its primary responsibility in the development of citizenship. Without good discipline students cannot realize their greatest opportunities for growth. In maintaining discipline, teachers must be able to proceed with the assurance that support will be forthcoming from the principal, the Superintendent of Schools, and the Board of Education.

The following guides to good discipline are recommended:

1. Good discipline is usually positive rather than negative in nature. It consists of keeping students interested and busy doing something constructive rather than punishing them for doing things that are anti-social.

2. Good discipline is always fair, dignified, and in good temper.

3. Corporal punishment, when necessary, should be administered only by the principal.

4. Conferences with teachers, principals, and parents should be effectively employed to bring about acceptable classroom behavior.

SOURCE: Baltimore County Board of Education, Towson, Md.
DATE: 11/21/68

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STUDENT DISCIPLINE

In all disciplinary action teachers should be mindful of the fact they are dealing with individual personalities. A child's personality, disposition, and personal characteristics should be given consideration before prescribing treatment. Each child is deserving of each teacher's very best thinking and most deliberate judgment.

Disciplinary action should not be administered in such a way as to cause the child to lose status before his social group. Teachers should guard against making remarks to other pupils concerning the child's shortcomings or engage in discussions with a pupil in such a way as to reflect discredit upon him before the others.

All information concerning the pupil or his family background should be held in strictest confidence.

In cases of insubordination or misconduct when ordinary and usual methods of correction are ineffective, the teacher may send the pupil to the principal for further action.

SOURCE: School District #21, Port Angeles, Wash.
DATE: 1967

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STUDENT DISCIPLINE

It shall be the policy of the San Juan Unified School District to expect standards of good citizenship from all members of the school community. Authority for establishing codes of student behavior and standards of student dress for each school shall rest with the school principal. The various administrative councils of the district shall recommend standards of behavior and dress to serve as guidelines for the schools at each level.

1. Individual conduct shall reflect consideration for the rights and obligations of others.

2. High personal standards of courtesy, decency, morality, and wholesome relationships with others must be maintained.

3. Respect for persons and property is expected.

4. Conformance to school rules and regulations and the provisions of civil law is expected of all.

SOURCE: San Juan Unified School District, Carmichael, Calif.
DATE: 4/25/67

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STUDENT DISCIPLINE

Introduction.

The Board of Education of the San Juan Unified School District, in support of the aims of public education, believes that individual responsibility and mutual respect are essential. Nurture of the maturing process in each youth is of primary importance. This process, critical to the future of our democratic society, is closely linked with the balance that must be maintained between authority and self-discipline as the individual moves from a child's dependence on authority toward the more mature behavior of self-control.

It is recognized that a well-ordered community requires that some people be invested with legitimate authority to devote themselves as far as possible to care for the good of all. The exigency of this responsibility prompts the Board to charge the administration of the district to use its authority with wisdom, to employ democratic principles, and to exercise prudence in the formulation of essential and enforceable rules.

It is recognized that people in school must conduct themselves in such a manner so as to maintain a climate in which learning can take place. It is believed that most people want to conduct themselves in a manner which fosters this desirable climate and that they will progress toward mature behavior and self-discipline if they are in an environment that nurtures personal responsibility.

It is clear that over-all school morale affects students' attitudes and influences their behavior. The school must provide a well-planned teaching-learning situation in order to create the proper atmosphere for high level student conduct. The importance of enthusiastic identification of the student with a school community and activities that bring about this identification will help insure a positive attitude on the part of students to conduct themselves in an acceptable manner.

Since it is necessary for rules to be established, students are to be informed of the rules and the rationale underlying them. Adult authority will be used to enforce these rules only when it becomes necessary. The importance of individual rights and responsibility in the school should be related to the importance of the broader rights and responsibility encompassed in our nation's governmental laws. The rights and privileges that accrue from a democratic society can be maintained only if each individual assumes personal responsibility for his own behavior and develops a real sense of social conscience.

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Areas of Responsibility.

A. All members of the school community are expected to contribute generously to the establishment of community order in which rights and duties are effectively acknowledged and fulfilled.

B. The Board of Education holds all school personnel, through the superintendent, responsible for the maintenance of order within the school and supports all personnel acting within the framework of district policy. Full support and mutual cooperation shall be expected of all school personnel in the administration of district policy.

C. The superintendent shall establish procedures to carry out Board of Education policy, shall hold all school personnel, students, and parents responsible for conforming to the provision of the Board of Education program concerning the behavior of students in the schools of the San Juan Unified District and shall support all school personnel performing their duties within the framwork of the district policy. The superintendent, reocgnizing the complex nature of behavior patterns, shall establish procedures for using the services of all agencies available for assisting students and parents.

D. The school principal shall be responsible to the superintendent for the conduct of his school. The principal shall be given the responsibility and authority to formulate school rules and regulations to enforce the district policy. Involvement of the total school community in the formulation is essential. The principal shall give full support to school personnel performing their duties within the framework of the district policy. The principal shall consult with parents of children conducting themselves in a manner contrary to district policy. The principal shall involve other members of the professional team in the disposition of behavior referrals and shall make use of all agencies available for assisting students and parents. The principal shall report immediately in full and in writing to the superintendent any serious infringement of property rights within his school that may come to his attention and any serious injury to any pupil or member of the school staff that may occur at a time or place wherein the rights or responsibilities of the schools may be involved. He shall have the authority to assess and collect for the Board of Education a reasonable sum as established by the Business Division where there are damages to school property.

E. Teachers shall be responsible for providing a well-planned teaching-learning situation. They shall enforce the rules and regulations in the schools and shall give support to their principals in maintaining district policy.

F. The nonprofessional personnel shall be responsible for contributing to the atmosphere of mutual respect within the school community. Their responsibilities relating to student behavior shall be limited to those specifically authorized and assigned by the superintendent and/or principal.

G. Parents shall be held responsible for the behavior of their children. Parents are expected to cooperate with the school authorities and participate in conferences regarding behavior of their children.

H. Pupils shall be held individually responsible for knowing the policy and assisting in its implementation.

Definition of Terms.

A. Corporal Punishment: *Physical pain or restraint inflicted on a student's person.* The only allowable corporal punishment for this school district is spanking a pupil by use of the hand or a suitable instrument for the purpose of discipline and enforcement of school authority and control. Such punishment shall be administered only after other means of discipline have been used, in the opinion of the principal and the teacher involved, and shall be applied only to the buttocks. Other forms of physical punishment are not allowed even under the guise of games or exercise.

Reason for Corporal Punishment: Misconduct

Authority: Principal or his delegate.

B. Exclusion: *Preventing a student above the minimum age from attending school.* The principal may recommend exclusions when necessary.

Reasons for Exclusion: Filthy or vicious habits, contagious or infectious disease, physical or mental disability inimical to the welfare of other students.

Authority: Rests with the Board of Education.

C. Exemption: *Excusing a student from compulsory attendance at school.* It is not related to misconduct. It is covered in the Education Code, Sections 12151 - 12160.

D. Expulsion: *Forfeiture of a student's right to attend school in this district.*

Reason for Expulsion: Misconduct beyond the district's resources for correction.

Authority: Rests with the Board of Education.

E. Misconduct: *Conduct contrary to district policy.*

F. Suspension: *The temporary exclusion of a student from physical presence on the school grounds--not to exceed five days for a single suspension.*

Reason for Suspension: Serious misconduct.

Authority: Principal, his delegates, and teachers.

Specific Provision for Dealing with Student Behavior.

Although this student behavior policy emphasizes the development of self-discipline, it is recognized that there are instances when it is necessary to administer disciplinary measures. Measures to be employed and the manner in which they are administered shall be consistent with the objective of creating a positive learning situation and fostering self-discipline.

A. Corporal Punishment. Corporal punishment is not generally recommended. All other appropriate measures and resources shall be exhausted before employing this means of correction. The authority to inflict such punishment shall be vested in the principal, who shall determine the manner in which the punishment shall be given. The principal may delegate to a teacher the authority to inflict corporal punishment. Such delegation shall be made only for a specific occasion and may not be general. Neither a principal nor a teacher may authorize pupils to inflict corporal punishment even under the guise of a game. Corporal punishment must be administered in the presence of one or more adult witnesses. Striking any part of the head of the pupil is strictly forbidden. All cases of corporal punishment shall be reported in writing immediately to the superintendent through the assistant superintendent in charge of secondary schools. The report must include the names of the persons directly involved with the punishment.

B. Suspension. The principal shall have the authority to suspend, for a period of not to exceed five days, pupils who, it is established, have committed one or more of the following offenses.

(1) Damage to school property.
(2) Profanity, obscene language, possessing obscene materials.
(3) Truancy, repeated absence, or tardiness.
(4) Violent opposition to authority.
(5) Possession or use of tobacco, intoxicating liquors, narcotics, or other hallucinogenic drugs or substances on or about the school premises.
(6) Impertinent language toward teachers.

(7) Absence of three days during any semester of school without suitable excuse from parent or guardian.
(8) Placing colors, standards, emblems, or ensigns in conspicuous places for purposes of engendering class strife.
(9) Hazing in connection with any school or social activity related to the school.
(10) Failure to compensate for damage to school property.
(11) Filthy or vicious habits which would cause injury to himself or other persons.
(12) Impairing the health, safety, or welfare of teachers, pupils, or other persons.
(13) Willful disobedience to administrators or teachers.
(14) Membership or participation in sororities or fraternities.

Teachers may suspend, for good cause, any pupil from the school for not exceeding one school day, plus the remainder of the school day during which the suspension is ordered, if suspension is ordered during a school day, and shall immediately report the suspension to the principal of the school and send the pupil to the principal for appropriate action.

Whoever assumes the responsibility for suspension of a pupil shall also assume the primary responsibility for the initiation of the rehabilitative process of the pupil. This shall include a parent contact and the use of such other special services as may be deemed helpful.

After a student has accumulated more than 20 days of suspension in any school year, he shall be transferred to and enrolled in the continuation high school or parental school. (See Education Code Section 10607.5 and the district procedures regarding continuation high school and parental school.)

C. Expulsion and Exclusion are vested in the authority of the Board of Education.

SOURCE: San Juan Unified School District, Carmichael, Calif.
DATE: 1/15/68
LEGAL REFS.: California Education Code 10552-3; 10601-9; 10852; 10854; 11755; 11902; 12152; 13557
California Administrative Code 21-22; 24; 61-5.

STUDENT DISCIPLINE

It shall be the duty of the principals and teachers to enforce such rules for school and class control as the school administration may establish. Control of pupil conduct should be such that procedures used will assist in advancing the purposes of education as approved by the Board and will be consonant with policies of the Board and with applicable state laws and State Board of Education directives.

SOURCE: Board of Education, Greenwich, Conn.
DATE: 1970

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STUDENT DISCIPLINE

Disciplining of all the pupils in the building and on the grounds is the responsibility of the entire staff at all times.

Classroom Control. In working with a new group of pupils, it may be necessary to begin with formal, teacher initiated controls, then to slacken off as the group becomes able to take over and continue until an informal controlled situation is present in the classroom.

Isolation. Isolation is a good disciplinary action if the child understands the reasons why it is necessary for such action. Under no consideration should the child be "just sent out" to stand in the hall. The pupil involved should be referred to a place set aside for work, a check-up made on the work accomplished, and a discussion following as to why isolation was necessary. Alternatively, the pupil involved should be sent to a person in charge such as a principal or assistant principal, and a follow-up conference of all involved should be held.

After-School Detention. The only disciplinary justification for a student's presence in school beyond the normal school day is the active solution of educational or personal problems.

Criticizing Children Before Others. Since this method never serves an educational purpose, it should at no time be tolerated.

Assistance for Difficult Discipline Cases. Most cases of irregularity of conduct on the part of a pupil should be settled at once by the staff member in charge, but the principal will at all times be ready to help if disciplinary action is needed. The principal or assistant principal will keep on file in his office a record of all disciplinary infractions of a serious nature. It will help the principal or assistant principal deal with discipline cases if teachers provide a written note regarding each disturbance.

SOURCE: Board of Education, Greenwich, Conn.
DATE: 1970

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STUDENT DISCIPLINE

Introduction.

The Monroe Board of Education recognizes that students do not surrender any rights of citizenship as they pass through the schoolhouse door. The Board further recognizes that students within the school setting are not entitled to any special rights, privileges, or immunities not enjoyed by citizens in the larger community. The Board insists that the educational welfare of the individual pupil and of the larger school community be determinate. Therefore, all disciplinary actions and procedures must be directed toward serving educational ends.

The Board also endorses the basic tenet of liberty and justice set forth so eloquently by John Stuart Mill: "The liberty of the individual must be thus far limited--he must not make himself a nuisance to other people." In accepting its responsibility to provide a quality educational program for the citizens of Monroe, the Board intends to adhere to Mills' dictum. We expect no less from the students. The school is a community with rules and regulations, and those who would enjoy the rights and privileges it provides must also accept the responsibilities that membership demands, including respect for and obedience to school rules.

Specific Expectations.

Given this broad framework, the Monroe Board of Education expects specifically that students will

--conform to reasonable standards of speech and conduct;
--refrain from violating or impairing the rights of others;
--not engage in conduct that deprives other students of an orderly atmosphere for study;
--be appreciative of the opportunity for education offered to them and regard as a privilege their attendance in the public schools of Monroe.

In recognition of the students' individual rights, the Board expects school authorities to provide and maintain a suitable environment for learning. It expects that the school administration will do everything in its power to maintain and facilitate the education program so that the individual needs of each student are met to the greatest possible degree.

We affirm that the administration, in order to implement these expectations, has the inherent and statutory responsibility and power to maintain order and discipline in the schools and to remove the privilege of school attendance temporarily from any member of

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the student body whose conduct is inimical to the best interest of the whole school community.

The administration has the further responsibility to recommend to the Board of Education expulsion from school for those students who are habitually and overtly in defiance of reasonable rules and regulations. The Board expects that when the privilege of school attendance is to be removed or curtailed for a specific period of time that the rights of the student and his parents will be fully recognized and that provision will be made for proper procedural due process.

Finally, the responsibility for attendance and proper conduct in the Monroe Public Schools rests with the parent. The Board of Education recognizes its responsibility to provide whatever services and opportunities are needed to assist the parent in meeting his obligations, but rejects the notion that the schools can or should attempt to do this alone.

SOURCE: Board of Education, Monroe, Conn.
DATE: 5/25/71

STUDENT DISCIPLINE

The Board of Education has taken the position that the right to an education is a privilege not to be withheld or abbrogated without cause. It has clearly stated, however, that the enjoyment of this privilege is conditional upon each individual's willingness to obey reasonable rules and regulations. Our rules and regulations are defensible only insofar as their application advances the cause of education and promotes the rights and the legitimate expectations of both the individual student and the community. Board policy clearly states that all disciplinary actions and procedures are to be directed toward serving educational ends.

In all disciplinary activities the teachers are to be mindful of the fact they are dealing with individual personalities. A child's personality, disposition, and personal characteristics should be given consideration before prescribing treatment. Each child is deserving of and entitled to our very best thinking and our most deliberate judgment.

The disciplinary action should not be taken in such a way as to cause the child to lose status before his social group. Teachers should guard against making remarks to other pupils concerning the shortcomings of a child or engage in discussions with a pupil in such a way as to reflect discredit upon him before others.

All information concerning the pupil or his family background are to be held in strictest confidence. The hallmark for the application of disciplinary measures shall be fairness.

Every effort shall be made by administration and faculty to correct unacceptable behavior and to change improper attitudes. These efforts should include all needed skills and resources available both within and without the Monroe Public Schools.

In no instance, shall repeated infractions or abuses of school regulations be handled without involving the parents of the offender. Neither shall serious disciplinary measures be taken without the parents and the student being forewarned.

In all matters of discipline--including minor episodes between teacher and pupil as well as in the serious matters involving parents, principal, the board, and/or others--several basic considerations should be observed.

1. The only reason for rules and regulations and for disciplining transgressions of them is to promote the education, the safety

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and/or the well-being of the students served by them.

2. Punitive actions taken routinely or carelessly are indefensible.

3. The parents have a right to be kept fully informed of their youngster's status and to know and understand in advance when serious actions are contemplated for any future incidents.

4. Whenever the prognosis suggests that school procedures are not effectively changing behavior, alternative solutions should be explored through guidance, counseling, psychological, or juvenile court referrals. When any of these measures are contemplated or a failure of routine procedures is experienced, a written record should be begun and copies of reports and actions should be sent to the parent.

5. The school is an agent of the public that created it and has a basic responsibility to help the parent educate, lead, and when necessary, discipline his child. In the final analysis, however, these basic responsibilities rest with the parent and, if they fail, then with the State. <u>The school should never be reluctant to insist that the parent accept his responsibility</u>.

SOURCE: Board of Education, Monroe, Conn. (abridged)
DATE: 5/25/71

EPS/NSBA File: JDA

CORPORAL PUNISHMENT
(Four board policies)

1. Under extreme circumstances, corporal punishment may be administered by the principal in the presence of an adult and in the absence of other pupils when, in the principal's opinion, the misdeameanor warrants. Following the administration of corporal punishment parents shall be notified as soon as possible by the principal.

SOURCE: Board of Education, Groton, Conn.
DATE: 1/69

2. The uses of corporal punishment shall not be permitted; corporal punishment being defined as inflicting physical hurt upon a child in order to punish him for misconduct.

SOURCE: Board of Education, Greenwich, Conn.
DATE: 12/70

3. Reasonable corporal punishment may be administered after consultation with principal, and only in presence of another professional staff member. Reasonable corporal punishment shall be used only as a last resort in the most unusual circumstances and after reasonable corrective measures have been used without success. If possible, parents should be advised of the decision to administer such punishment and the supportive reasons therefore. A staff member may, however, use reasonable physical force against a pupil without advance notice to the principal when it is essential for self defense, the preservation of order or for the protection of other persons or the property of the Board of Education.

SOURCE: Wayne Community School District, Wayne, Mich.
DATE: 9/28/70

4. Excessive or unusual punishment, including the striking of a child on or about the face or head, is forbidden by law. The teacher should not inflict corporal punishment except in cases of last resort and when all other means of influencing the child, including conferences with the principal and the parents, have been exhausted. Corporal punishment should be administered in the presence of another staff member.

SOURCE: School District #21, Port Angeles, Wash.
DATE: 1967

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CORPORAL PUNISHMENT
(Administrative procedures)

Corporal punishment should be administered only after less severe control measures have not appeared effective and after the nature of the offense has been explained to the pupil. Within the limitations of this regulation, principals, teachers, and other certificated personnel of the district are authorized to administer corporal punishment.

A decision of the Appellate Department of the Superior Court of Los Angeles (People vs. Curtis, 116 C.A. Suppl 771) has held that the entire matter of corporal punishment is one of reasonableness. Also, corporal punishment is defined as physical punishment and confined to the use of a paddle.

1. When the principal, or his delegate, administers corporal punishment, it shall be witnessed by an adult but free from the presence of other pupils or children.

2. When a teacher administers corporal punishment, it shall be witnessed by the principal or his certificated representative but free from the presence of other pupils or children.

3. Corporal punishment should be administered within the bounds of moderation and prudence and suited to the gravity of the offense; administered with consideration of the physical condition and size of the student; and administered upon the buttocks through the pupil's mode of dress.

4. Corporal punishment should not be cruel or excessive or administered wantonly from maliciousness and passion.

The principal, or his delegate, is responsible for informing the parent or legal guardian of the administration of corporal punishment when he deems it advisable. After corporal punishment is administered, a report, signed by the principal or person administering the punishment and by the witness, must be placed on file as a matter of record. In addition, an oral or written report must be made to the parent or guardian following persistent violations of school rules by a student.

SOURCE: ABC Unified School District, Artesia, Calif.
DATE: 11/18/68
LEGAL REF.: California Education Code 13557

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EPS/NSBA File: JGF

STUDENT SAFETY

A teacher is authorized to employ physical restraint when, in his professional judgment, the physical restraint is necessary to prevent a child from doing harm to others or to himself. When so employed, physical restraint shall not be considered a form of corporal punishment. Nothing herein shall authorize the inflicting of corporal punishment for disciplinary purposes.

SOURCE: Board of Education, Norwalk, Conn.
DATE: 11/24/64

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DETENTION

Reasonable detention at the close of the school day is permitted under the following conditions:

1. When a pupil is detained at school beyond the normal dismissal time, the teacher shall give appropriate consideration to factors of pupil transportation, traffic patterns, weather, and any other extenuating circumstances.

2. The age and grade level of the pupil shall be considered in determining the length of time a pupil may be detained after school. Under no circumstances should a pupil be detained longer than one hour. In the event that a pupil is detained beyond 15 minutes after the normal closing time, the parents or legal guardian shall be notified.

SOURCE: Unified School District #259, Wichita, Kans.
DATE: 1965

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SUSPENSION AND EXPULSION

School discipline is becoming increasingly controversial, particularly in the area of the suspension and expulsion of students. Recent court decisions have guaranteed the student the rights of due process, and board policy must be updated to assure these rights. The following suggestions may be helpful in developing up-to-date policies and procedures to govern the suspension and expulsion of students. Important reminder: Be sure to check any new policy or administrative procedure on suspension and/or expulsion with the school attorney.

1. Define the terms "suspension" and "expulsion," and distinguish between temporary suspension and indefinite or long term expulsion.

2. Determine and specifically state who has the authority to suspend on a temporary basis, and determine who shall recommend expulsion and the procedures to be followed by the Board when such recommendations are made.

3. Determine and specify the maximum length of time temporary suspension is applicable. (Ten days is usually considered a reasonable maximum period.)

4. Determine and specify offenses which may call for suspension and/or expulsion--but take care that any listing is not presented as being all inclusive.

5. Spell out procedures to be followed by staff including documentation of charges in cases involving suspensions and/or expulsions. Procedures should include immediate notification of parents by phone if youngster is sent home, written notice to parents informing them of reasons for disciplinary action, provision for arranging for parent conference, and procedures for appeal of action. Specify who shall be responsible for documentation and how it shall be done.

6. Develop procedures for hearings in instances in which youngsters or their parents may request same. Such procedures should include written notice to parents indicating opportunity for hearing, rights of the student to be represented by council, right to testify, and other due process information.

7. Determine who shall hear appeal cases. This might be the Board, a committee of the Board, a panel appointed by the Board or perhaps a designated individual. The Board of Education, by law [in most states], cannot waive its right as the final authority and decision-making responsibility. In no case

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should the official who suspended the student be a part of the hearing panel.

8. Provide for written notice of final action after the hearing to all parties concerned.

9. Determine status of student during an interim period while awaiting a hearing or action after the hearing.

10. Consider possible alternatives available to a student to continue his education during an indefinite suspension period or if permanently excluded.

SOURCE: Based on guidelines developed by the Michigan Association of School Boards
DATE: 12/70

STUDENT HEARINGS
(Procedural Rules and Regulations for the School Community)

The constitutional rights of individuals assure the protection of due process of law; therefore, this system of constitutionally and legally sound procedures is developed with regard to the administration of discipline in the Seattle Public Schools:

1. The hallmark of the exercise of disciplinary authority shall be fairness.

2. Every effort shall be made by administrators and faculty members to resolve problems through effective utilization of school district resources in cooperation with the student and his parent or guardian.

3. A student must be given an opportunity for a hearing if he or his parent or guardian indicate the desire for one. A hearing shall be held to allow the student and his parent or guardian to contest the facts which may lead to disciplinary action, or to contest the appropriateness of the sanction imposed by a disciplinary authority, or if the student and his parent or guardian allege prejudice or unfairness on the part of the school district official responsible for the discipline.

4. The hearing authority may request the student and parent or guardian to attempt conciliation first, but if the student and parent or guardian decline this request the hearing authority shall schedule the hearing as soon as possible.

5. The following procedural guidelines will govern the hearing:

   a. Written notice of charges against a student shall be supplied to the student and his parent or guardian.

   b. Parent or guardian shall be present at the hearing.

   c. The student, parent or guardian may be represented by legal counsel.

   d. The student shall be given an opportunity to give his version of the facts and their implications. He should be allowed to offer the testimony of other witnesses and other evidence.

   e. The student shall be allowed to observe all evidence offered against him. In addition he shall be allowed to question any witness.

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f. The hearing shall be conducted by an impartial hearing authority who shall make his determination solely upon the evidence presented at the hearing.

g. A record shall be kept of the hearing.

h. The hearing authority shall state within a reasonable time after the hearing his findings as to whether or not the student charged is guilty of the conduct charged and his decision, if any, as to disciplinary action.

i. The findings of the hearing authority shall be reduced to writing and sent to the student and his parent or guardian.

j. The student and his parent or guardian shall be made aware of their right to appeal the decision of the hearing authority to the appropriate appellate authority.

SOURCE: Seattle Public Schools, Seattle, Wash.
DATE: 8/12/70

EPS/NSBA File: JCEC

STUDENT DEMONSTRATIONS AND STRIKES
(Disruptions of the School)

To insure the orderly process of education and business affairs connected with the schools and the safety of persons and property, the Board of Education directs that the procedures below be followed in case of any type of disruptive demonstration on school property or within school buildings.

This policy is not intended to discourage or prohibit the peaceful expression of opinions or ideas concerning the Red Bank Regional High School. However, since the Board of Education is required by law to provide proper school facilities and to maintain an appropriate program of instruction, and is further required to bar any disruption of the schools or interference with their normal operation, the following steps shall be taken in the event of any disruption of the normal operations of the schools.

1. The disruption shall be immediately brought to the attention of the Superintendent of Schools or his representative by the administrative head of the school. The Superintendent shall have the authority at his discretion to alert the police authorities.

2. Students participating in a disruptive demonstration shall be directed by the building principal or his representative to go to their regular classroom assignment. At the same time, the principal or his representative will arrange for a meeting between the administration and the individuals, leaders of a group, or the group, if feasible, to discuss in a rational, orderly manner the problem which has caused the disorder.

3. Nonstudent demonstrators and other unauthorized persons will be directed by the building principal or his representative to remove themselves from school property forthwith.

4. In the event steps 2 and/or 3 fail to stop the demonstration, the Superintendent or his representative will ask the police to remove the demonstrators and any individuals failing to comply under step 3.

5. When necessary for their safety, students and staff may be directed to leave the building and school property.

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6. At no time, while any demonstration is in process, is the Superintendent or any school or Board personnel to enter into negotiations on the issues with the protestors, either orally or in written form.

7. As soon as normal educational and business processes can be resumed, the Superintendent shall be charged with establishing communications with the leaders of the protesting group in order to resolve their requests or to refer them to the Board of Education in an orderly manner.

8. Students and/or employees participating in a disruptive demonstration on school grounds will be subject to suspension.

SOURCE: Red Bank Regional Board of Education, Red Bank, N.J.
DATE: 8/19/70

EPS/NSBA File: (GAEA)*

STAFF PROTECTION

Each teacher bears primary responsibility for maintaining proper control and discipline in his classroom. A teacher may use reasonable force as is necessary to protect himself from attack; to protect another person or property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects upon the person or within control of a pupil. Teachers recognize that all disciplinary actions and methods invoked by them shall be reasonable and just and in accordance with established Board policy. The Board recognizes its responsibility in supporting teachers in the maintenance of proper control and discipline in the classroom. Each teacher is responsible for reporting to his principal the name of any student who is in apparent need of specialized attention by other trained personnel. Principals shall be expected to advise teachers of the disposition of such reports.

Personal Injury Benefits.

A. Whenever a teacher is absent from school as a result of personal injury caused by an assault by a student, occuring in the course of the teacher's employment, the teacher will be paid his full salary for the period of such absence, and no part of such absence will be charged to his annual sick leave.

B. The Board shall reimburse any teacher for damage or destruction of personal property as a result of an assault by a pupil while the teacher is on duty on school premises.

C. The Board shall have the right to have the teacher examined by a physician designated by the Board for the purpose of establishing the length of time the teacher shall be absent from performing his duties, and the opinion of said physician as to the said person shall control.

D. The Board shall provide full support, including its legal counsel, for any assault upon the teacher while acting in the discharge of his/her duties.

SOURCE: Master Contract, Greenfield, Wisc., School Board and Greenfield Education Association*

DATE: 7/7/69

Notes: (1) A code in parenthesis indicates an expansion of the EPS codification system. This statement is to be filed as a subcategory of GAE--Personnel Complaints and Grievances. (2) Master contracts are, in effect, an "appendix" to board policy manuals since contract provisions have full force of policy. See EPS/NSBA handbook, p. 40-1.

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For further reading...

- "Corporal Punishment: The Law" and "Corporal Punishment: Teacher Opinion" in NEA Research Bulletin, May, 1970. The first report gives highlights of court rulings and statutory provisions; the second summarizes the results of a poll about teacher attitudes concerning corporal punishment. NEA Research Division, 1201 16th St., N.W., Washington, D.C. 20036.

- "Discipline: New Solution for an Old Problem?" in It Starts in the Classroom, March, 1971. A briefing on some of the more constructive approaches to discipline. National School Public Relations Association, 1201 16th St., N.W., Washington, D.C. 20036.

- Legal Aspects of Control of Student Activities by Public School Authorities by E. Edmund Reutter. 1970. A 54-page monograph on what the laws says about controlling student activities and conduct. NOLPE, 625 Western Ave., Topeka, Kans. 66606.

- "Negotiations Agreements: Student Discipline" in NEA Research Bulletin, May, 1969. An analysis of 193 master contracts which contain student discipline provisions. NEA Research Division, 1201 16th St., N.W., Washington, D.C. 20036.

- "Obsolete Policies, Procedures, and Practices for Suspending Students Spell T-R-O-U-B-L-E" by Lewy Olfson in Updating School Board Policies, April, 1971. A 6-page special issue of the EPS/NSBA newsletter on the suspension question. EPS/NSBA Clearinghouse, 152 Cross Road, Waterford, Conn. 06385. One copy free upon request while supply lasts.

- EPS/NSBA KIT: POLICIES THAT CLARIFY STUDENT RIGHTS & RESPONSIBILITIES. This is a "first-cousin" companion kit to the one you are now reading. Like this one, it presents an array of exemplary school board policy samples and other policy development resource materials. $2.00. See title page for NSBA address and bulk rates.

- The Reasonable Exercise of Authority by Robert L. Ackerly. 1969. A clarification of due process rights as they apply to 10 areas of student life. National Association of Secondary School Principals, 1201 16th St., N.W., Washington, D.C. 20036.

- Student Suspensions and Expulsions: Proposed School Board Codes by Robert E. Phay and Jasper E. Cummings Jr. 1970. An outstanding 50-page monograph that stands as a basic resource for the development of up-to-date policy in the controversial areas of student suspension and expulsion. Institute of Government, University of North Carolina, Chapel Hill, N.C.

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